



July 15, 2025

Via ECF

Hon. Joan M. Azrack, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: *Rios Colon v. DecisionOne Corp.*,
No. 23 Civ. 5346 (JMA)(ARL)**

Dear Judge Azrack:

Plaintiff writes to respectfully request leave to re-file his motion for default judgment (ECF No. 11) within the next 30 days. As explained below, the split in authority underlying the Court's prior order denying Plaintiff's default judgment motion without prejudice has been resolved.

Plaintiff filed the Complaint on July 13, 2023, alleging violations of the Fair Labor Standards Act and New York Labor Law ("NYLL") for the failure to pay timely wages. *See ECF No. 1 (Compl.).* Plaintiff then moved for a default judgement on November 3, 2023. *See ECF Nos. 11-13.* On June 20, 2024, Your Honor dismissed Plaintiff's default judgement motion without prejudice pending the outcome of a motion for reconsideration and leave to appeal in *Grant v. Global Aircraft Dispatch, Inc.*, No. 2021-03202. *Id.*

Although the motion in *Grant* is still pending, the New York State Legislature has resolved the split in authority created by *Grant* by amending Section 198 of the NYLL to "now explicitly state[] that it provides a private cause of action for violations of Section 191(a)[.]" *Lopez v. J&L Sky Contractors Corp.*, No. 24 Civ. 7661, 2025 WL 1859690, at *17 (E.D.N.Y. July 7, 2025); *accord. Garzon v. Building Servs. Inc.* No. 24 Civ. 5429, 2025 WL 1871171, at *10 (S.D.N.Y. July 2, 2025) ("These revisions to the statute reinforce my conclusion that the prior version of the statute provided a private right of action[.]"). The amendment "appl[ies] to causes of action pending" as of May 9, 2025, like this one. *See* 2025 Sess. Law News of N.Y. Ch. 56 (S. 3006-C, Part U) § 2; *see also Lopez*, 2025 WL 1859690, at *17, n. 4 (discussing retroactive application).

Thank you for Your Honor's anticipated consideration of this matter.

Respectfully submitted,

/s/ Benjamin A. Goldstein
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